IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

RP.No. 879 of 2007(L)

AGAINST THE JUDGEMENT/ORDER IN WPC.24477/2007 Dated 08/07/2007

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PETITIONER/3RD RESPONDENT

THE MANAGER,
S.D.V.H.S.FOR BOYS,
THONDANKULANGARA PO,ALAPPUZHA.

BY ADV. SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

RESPONDENTS: PETITIONER

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1. JOHN FEBEYAN (MINOR)
REPRESENTED BY HIS GUARDIAN,
BABY ALBERT,MAVELITHAYYIL,
OMANAPUZHA, PATHIRAPPALLY P.O.,
ALAPPUZHA DIST.

2. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT,DEPARTMENT OF
GENERAL EDUCATION, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM.

3. DIRECTOR OF HIGHER SECONDARY SCHOOL
DIRECTORATE OF HIGHER SECONDARY SCHOOL,
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.SANDESH RAJA.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19/10/2007, ALONG WITH WPC NO. 24477 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No.24477 of 2007

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RP. 879 of 2007

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Dated this the 19th day of October, 2007.

Judgment

Having heard learned counsel for the parties, I am satisfied that these two petitions can be disposed of in view of the intervening developments.

2. Writ petitioner who is a minor has primarily sought for a declaration that he was entitled to get preference in the matter of admission to Plus One course in the school, since he had studied in the same school upto Standard X. Various contentions have been raised by the petitioner in support of the above plea. However I do not propose to deal with any of those contentions since admittedly, petitioner had been accommodated in the school in the Plus One course, in terms of an interim order issued by this Court on August 21, 2007.

3. Sri.Anand, learned counsel for the management submits that by the time the above direction was issued by this Court, admissions had already been closed on August 4, 2007. The management could not have admitted any student after the date of closure of admission without obtaining permission from the

Directorate. It is also pointed out by the learned counsel that petitioner had been accommodated against a seat which was earmarked for SC/ST candidates. However the management has not received any application in respect of the above seat till date. The petitioner was therefore admitted in the lone vacancy that was available in the school in that quota.

4. Having regard to the peculiar facts and circumstances, I do not find any reason why the Directorate shall not ratify the action of the management in accommodating the petitioner in the above vacancy, in compliance of the interim direction issued by this Court. I am persuaded to take the above view since petitioner had been attending classes for about 3 months . The Directorate shall issue appropriate orders in this regard if such a request is made by the management, to put the record straight. However this shall not be treated as a precedent.

Writ Petition and the Review Petition are closed in the above terms.

A.K. Basheer
Judge.

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